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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,067	03/11/2004	Hirokazu Hisano	GK/55	5663

28596 7590 09/19/2006

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EXAMINER

PATEL, VISHAL A

ART UNIT	PAPER NUMBER
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3673

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/798,067	Applicant(s) HISANO ET AL.	
	Examiner Vishal Patel	Art Unit 3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 2-9, 11, 12, 15-18 and 20-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 10 13-14 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of species V and group I in the reply filed on 10/14/05 and 7/8/05 is acknowledged. Claims 2-9, 11-12, 15-18 and 20-27 are withdrawn. This restriction is made final.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 10, 13, 14 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minor et al (US. 6,485,809) in view of Grover (US. 3,770,285).

Minor discloses a sealing material (material formed by 15 and 13), the sealing material having a band of expanded porous polytetrafluoroethylene, the width of the sealing material from the inner periphery to the outer periphery is greater than the thickness of the outer peripheral surface thereof (the thickness in figure from the inner periphery to the outer periphery is greater than the thickness of the sealing material), the angle of elevation of the annular portion of the sealing material in relation to the horizontal plane formed by the edge of the inner peripheral surface thereof is 0 to 45 degrees (figures 1-3). The annular portion has a laminate structure of expanded porous polytetrafluoroethylene layers. The expanded porous polytetrafluoroethylene layers are laminated in the width direction (layers 15, 13 and 15 are laminated in the width direction or consider the material of figure 10). The annular portion comprises a nonporous

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polytetrafluoroethylene layer inserted between the laminated expanded porous polytetrafluoroethylene layers (figure 10).

Minor discloses the invention substantially as claimed above but fails to disclose that the sealing material is split and the ends of the split are joined by a double-sided adhesive tape.

Grover teaches to have a sealing material that is split form to have ends and the ends are connected by a double side adhesive tape (see abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the sealing material of Minor to be split to provide easy mounting and to have the ends of the split to be joined to form an annular sealing material as taught by Grover, since having a step joint would ease mounting of the sealing material and to connect the ends of the step joint by double coated tape would provide an annular sealing material (see abstract of Grover).

Response to Arguments

4. Applicant's arguments filed 6/30/06 have been fully considered but they are not persuasive.

Applicants' argument that the split taught by Grover would not be persuasive to be made or formed in Minor closed annular sealing material is not persuasive because as explained in the office action that the reason for the split is to provide easy installation and then rejoining the split by adhesive material would provide a closed annular sealing material. Furthermore as pointed in the rejection above applicant has only claimed a closed annular sealing material that is taught by Minor and Grover.

Furthermore applicant has argued that Grover teaches a packing ring is correct but his member is placed on an annular member and to make installation in existing systems one provides a split in an annular sealing material and then rejoins the split by adhesive bond.

Applicants argument that there is no inventive provided by Minor to one skilled in the art who would recognize the disadvantageous effect of introducing a potential leak path at a join in a low stress to seal gasket of a porous material which is not fully compressed in use is not persuasive because as stated above there is an incentive to provide a split in Minor and the leakage path is eliminated by rejoining the split by an adhesive material.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishal Patel whose telephone number is 571-272-7060. The examiner can normally be reached on 6:30am to 8:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia L. Engle can be reached on 571-272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VP
September 15, 2006

A handwritten signature in black ink, appearing to read 'Vishal Patel', with a stylized flourish at the end.

Vishal Patel
Primary Examiner
Tech. Center 3600